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May 25, 1999

**RECEIVED**

**MAY 25 1999**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA MESSENGER**

Magalie Roman Salas, Esq.

Secretary

Federal Communications Commission

445 12th Street, S.W.

Washington, D.C. 20554

RE: Ex Parte Presentation of CO Space Services, Inc. in the Matter of the Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

Dear Secretary Salas:

On behalf of CO Space Services, Inc. ("CO Space"), and pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, enclosed is an original and one (1) copy of this notice of the attached *ex parte* presentation made yesterday afternoon in the above-referenced proceeding to representatives of the Policy and Program Planning Division of the Common Carrier Bureau by G. Gabriel Cole, President, CO Space Services, Inc. CO Space's presentation urged the Commission to adopt a rule requiring that dark fiber be one of the minimum network elements that incumbent LECs must make available to competitors on an unbundled basis pursuant to Sections 251(c)(3) and 251(d)(2).

CO Space discussed that the rapid growth in customer demand for bandwidth and access to superior network facilities makes uniform, national access to the incumbent LEC's dark fiber critical for CO Space to provision competitive collocation and transport services to its customers. Alternative fiber providers' networks are still under construction and face local regulatory approval delays in many jurisdictions. Even when these alternate fiber networks are deployed and operational, they will not replicate the ubiquitous fiber network of the incumbent LEC's fiber network, particularly in the "last mile" between the incumbent LEC central office to the customer premises where alternative sources of dark fiber or other alternatives are unavailable for the fiberoptic bandwidth demanded by CO Space's customers. Accordingly, incumbent LEC dark fiber must be made available to competitors like CO Space on an unbundled basis, at TELRIC rates. Such a rule will ensure that telecommunications providers such as CO Space can continue to provide innovative, competitive services, including advanced telecommunications services,

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# Arent Fox

Magalie Roman Salas, Esq.

May 25, 1999

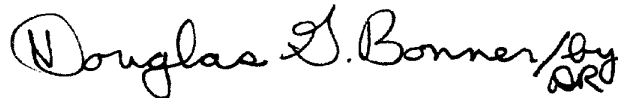
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throughout the United States, and that investment in these competitive service offerings is encouraged rather than discouraged.

Please date stamp the enclosed extra copy of this filing and return it in the self addressed, postage prepaid envelope provided.

If you have any questions concerning this filing, please contact me at (202) 857-6293.

Sincerely yours,

A handwritten signature in black ink that reads "Douglas G. Bonner". The signature is written in a cursive style. To the right of the name, there are initials "DR" written in a smaller, more stylized script.

Douglas G. Bonner

Counsel for CO Space Services, Inc.

## Enclosures

cc: Janice M. Myles [Common Carrier Bureau, FCC 445 12th Street, S.W., Room 5-C327,  
Washington, D.C. 20554] (w/encls.)(via messenger)  
International Transcription Services [1231 20th Street, N.W., Washington, D.C. 20036]  
(w/encls.) (via messenger)  
Mr. G. Gabriel Cole



**National Access to Incumbent LEC Dark Fiber as a UNE is Critical to Successful Competitive Entry for CO Space Services, LLC**

- Growth in demand for bandwidth requires that transport of advanced telecommunications traffic occur at fiberoptic levels of OC-48 (2.4 Gbps) and above.
- It is critical to competitive telecommunications carriers that they obtain high-speed interconnection of networks and their data traffic.
  - Broaden their reach
  - Provide network diversity
  - Meet peak periods of demand
- Superior access to network is perhaps the most important factor in the selection process for CO Space's carrier customers in their consideration of CO Space and transport and collocation services. For CO Space to effectively enter the market and offer competitive services to those of the RBOC, it must offer the same network access and bandwidth at a lower cost than the RBOC or ILEC charges. To do that, dark fiber must be an available UNE.

**Alternative Providers are Neither Ubiquitous Nor Immediately Available**

- While competitors exist in the largest metropolitan markets, none have the ubiquitous network coverage of the ILECs. The competitors also do not have essential building access arrangements which the ILECs possess.
- CO Space's negotiations with alternative providers have confirmed that even under the most ambitious fiber build plans, alternative suppliers of fiber will not approach the extent of RBOC networks within the next 12-24 months.

**To realize the fundamental goal of the 96 Act to "promote innovation and investment by all participants in the telecommunications marketplace, in order to stimulate competition for all services, including advanced services..." (First Report and Order, CC Docket No. 98-147 at 2), requires that access to dark fiber as a UNE not be denied any longer on a national basis.**

- Without widespread access to dark fiber, there will be no demand for the segment of competition and the networks currently being built by alternate dark fiber providers.



# OVERVIEW

CO Space Services provides comprehensive, competitive, and cost-effective solutions for the location of telecommunications, Internet, and data processing and storage equipment, combined with unparalleled value-added management solutions to protect the integrity of your network investment.

## CO Space facilities

Our state-of-the-art, NEBS-compliant facilities are environmentally fit with diverse HVAC systems, UPS, clean power (including 48 VDC), emergency generators, pre-action fire suppression systems, security systems, and each employs on-site personnel to monitor and maintain optimum facility functioning. Customers can choose space on our common floor, private floor space and/or private offices.

## Value-Added Services

At CO Space Services, we understand that options for network interconnection and network configuration are critical to maintain network diversity/redundancy and to procure competitive pricing, and, as such, our facilities are developed to support a competitive platform void of service requirements or minimums.

We strive to provide our customers with access to all major networks—accomplished either through direct interconnection with providers or through the CO Space Metro Network (a fiber ring accessing incumbent and competitive carrier facilities).

Our value-added basic and advanced technical support services ensure ongoing operation of equipment without customer maintenance of on-site or on-call personnel. Because our facilities personnel are shared amongst our customers, we are able to offer these services to our customers at competitive prices.

## Facilities Locations

We are currently implementing our facilities in major markets throughout the United States and plan to expand our geographic scope to Canada and Western Europe in the future. Our first facility, located in Boston, Massachusetts, is slated for occupancy in April of 1999. Additional facilities to be implemented in 1999 include New York, Suburban Boston, Houston, Jersey City, San Francisco, Chicago, Atlanta, Sacramento, and Dallas.

## Additional Information

For additional information on CO Space facilities and offerings, please visit our web site at [www.cospaceservices.com](http://www.cospaceservices.com) or contact us at:

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